

103D CONGRESS
1ST SESSION

S. 277

To authorize the establishment of the National African American Museum
within the Smithsonian Institution.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 2 (legislative day, JANUARY 5), 1993

Mr. SIMON (for himself, Mr. MCCAIN, Mr. DECONCINI, Mr. DODD, and Ms. MOSELEY-BRAUN) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To authorize the establishment of the National African
American Museum within the Smithsonian Institution.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National African
5 American Museum Act”.

6 **SEC. 2. FINDINGS.**

7 (a) FINDINGS.—The Congress finds that—

8 (1) the presentation and preservation of African
9 American life, art, history, and culture within the

1 National Park System and other Federal entities is
2 inadequate;

3 (2) the inadequate presentation and preserva-
4 tion of African American life, art, history, and cul-
5 ture seriously restricts the ability of the people of
6 the United States, particularly African Americans,
7 to understand themselves and their past;

8 (3) African American life, art, history, and cul-
9 ture includes the varied experiences of Africans in
10 slavery and freedom and the continued struggles for
11 full recognition of citizenship and treatment with
12 human dignity;

13 (4) in enacting Public Law 99–511, the Con-
14 gress encouraged support for the establishment of a
15 commemorative structure within the National Park
16 System, or on other Federal lands, dedicated to the
17 promotion of understanding, knowledge, opportunity,
18 and equality for all people;

19 (5) the establishment of a national museum and
20 the conducting of interpretive and educational pro-
21 grams, dedicated to the heritage and culture of Afri-
22 can Americans, will help to inspire and educate the
23 people of the United States regarding the cultural
24 legacy of African Americans and the contributions

1 made by African Americans to the society of the
2 United States; and

3 (6) the Smithsonian Institution operates 15
4 museums and galleries, a zoological park, and 5
5 major research facilities, none of which is a national
6 institution devoted solely to African American life,
7 art, history, or culture.

8 **SEC. 3. ESTABLISHMENT OF THE NATIONAL AFRICAN**
9 **AMERICAN MUSEUM.**

10 (a) ESTABLISHMENT.—There is established within
11 the Smithsonian Institution a Museum, which shall be
12 known as the “National African American Museum”.

13 (b) PURPOSE.—The purpose of the Museum is to pro-
14 vide—

15 (1) a center for scholarship relating to African
16 American life, art, history, and culture;

17 (2) a location for permanent and temporary ex-
18 hibits documenting African American life, art, his-
19 tory, and culture;

20 (3) a location for the collection and study of ar-
21 tifacts and documents relating to African American
22 life, art, history, and culture;

23 (4) a location for public education programs re-
24 lating to African American life, art, history, and cul-
25 ture; and

1 (5) a location for training of museum profes-
2 sionals and others in the arts, humanities, and
3 sciences regarding museum practices related to Afri-
4 can American life, art, history, and culture.

5 **SEC. 4. LOCATION AND CONSTRUCTION OF THE NATIONAL**
6 **AFRICAN AMERICAN MUSEUM.**

7 The Board of Regents is authorized to plan, design,
8 reconstruct, and renovate the Arts and Industries building
9 of the Smithsonian Institution to house the Museum.

10 **SEC. 5. BOARD OF TRUSTEES OF MUSEUM.**

11 (a) ESTABLISHMENT.—There is established in the
12 Smithsonian Institution the Board of Trustees of the Na-
13 tional African American Museum.

14 (b) COMPOSITION AND APPOINTMENT.—

15 (1) IN GENERAL.—The Board of Trustees shall
16 be composed of 23 members, appointed as follows:

17 (A) The Secretary of the Smithsonian In-
18 stitution who shall serve as an ex officio mem-
19 ber of the Board of Trustees.

20 (B) An Assistant Secretary of the Smithso-
21 nian Institution, designated by the Board of
22 Regents.

23 (C) 1 Member of the House of Representa-
24 tives appointed by the Speaker of the House
25 from among the Speaker, Majority Leader, Mi-

1 nority Leader, Majority Whip or Minority Whip
2 of the House of Representatives.

3 (D) 1 Member of the Senate appointed by
4 the Majority Leader of the Senate from among
5 the President pro tempore, Majority Leader,
6 Minority Leader, Majority Whip or Minority
7 Whip of the Senate.

8 (E) 5 individuals appointed by the Sec-
9 retary of the Smithsonian Institution.

10 (F) 6 individuals appointed by the Smith-
11 sonian Board of Regents from among individ-
12 uals nominated by the Congressional Black
13 Caucus.

14 (G) 4 individuals appointed by the Board
15 of Regents from among individuals nominated
16 by the Board of the African American Museum
17 Association.

18 (H) 4 individuals appointed by the Board
19 of Regents.

20 (2) INITIAL APPOINTMENT SPECIAL RULE.—

21 The Board of Regents shall make the first appoint-
22 ments pursuant to paragraph (1)(H) from among
23 the members of the initial Board of Trustees and
24 pursuant to nominations received from the African

1 American Institutional Study Advisory Committee of
2 the Smithsonian Institution.

3 (c) TERMS.—

4 (1) IN GENERAL.—Except as provided in para-
5 graph (2), members of the Board of Trustees shall
6 be appointed for terms of 3 years. Members of the
7 Board of Trustees may be reappointed.

8 (2) STAGGERED TERMS.—The terms of 7 of the
9 members initially appointed under subparagraphs
10 (C), (E), and (G) of subsection (b)(1), as deter-
11 mined by the Board of Regents, shall expire at the
12 end of the 1-year period beginning on the date of
13 appointment. The terms of 7 of the members ini-
14 tially appointed under subparagraphs (D), (F), and
15 (H) of subsection (b)(1), as determined by the
16 Board of Regents, shall expire at the end of the 2-
17 year period beginning on the date of appointment.
18 The terms of the remaining 7 members initially ap-
19 pointed under subparagraphs (C) through (H) of
20 subsection (b)(1) shall expire at the end of the 3-
21 year period beginning on the date of appointment.

22 (d) VACANCIES.—A vacancy on the Board of Trust-
23 ees shall not affect its powers and shall be filled in the
24 manner in which the original appointment was made. Any
25 member appointed to fill a vacancy occurring before the

1 expiration of the term for which the predecessor of the
2 member was appointed shall be appointed for the remain-
3 der of the term.

4 (e) NONCOMPENSATION.—Except as provided in sub-
5 section (f), members of the Board of Trustees shall serve
6 without pay.

7 (f) EXPENSES.—Members of the Board of Trustees
8 shall receive per diem, travel, and transportation expenses
9 for each day, including traveltime, during which they are
10 engaged in the performance of the duties of the Board
11 of Trustees in accordance with section 5703 of title 5,
12 United States Code, with respect to employees serving
13 intermittently in the Government service.

14 (g) CHAIRPERSON.—The Board of Trustees shall
15 elect a chairperson by a majority vote of the members of
16 the Board of Trustees.

17 (h) MEETINGS.—The Board of Trustees shall meet
18 at the call of the chairperson or upon the written request
19 of a majority of its members, but shall meet not less than
20 2 times each fiscal year.

21 (i) QUORUM.—A majority of the Board of Trustees
22 shall constitute a quorum for purposes of conducting busi-
23 ness, but a lesser number may receive information on be-
24 half of the Board of Trustees.

1 (j) VOLUNTARY SERVICES.—Notwithstanding section
 2 1342 of title 31, United States Code, the chairperson of
 3 the Board of Trustees may accept for the Board of Trust-
 4 ees voluntary services provided by a member of the Board
 5 of Trustees.

6 **SEC. 6. DUTIES OF THE BOARD OF TRUSTEES OF THE MU-**
 7 **SEUM.**

8 (a) IN GENERAL.—The Board of Trustees shall—

9 (1) recommend annual budgets for the Mu-
 10 seum;

11 (2) consistent with the general policy estab-
 12 lished by the Board of Regents, have the sole au-
 13 thority to—

14 (A) loan, exchange, sell, or otherwise dis-
 15 pose of any part of the collections of the Mu-
 16 seum, but only if the funds generated by such
 17 disposition are used for additions to the collec-
 18 tions of the Museum or for additions to the en-
 19 dowment of the Museum;

20 (B) subject to the availability of funds and
 21 the provisions of annual budgets of the Mu-
 22 seum, purchase, accept, borrow, or otherwise
 23 acquire artifacts and other property for addi-
 24 tion to the collections of the Museum;

1 (C) establish policy with respect to the uti-
2 lization of the collections of the Museum; and

3 (D) establish policy regarding program-
4 ming, education, exhibitions, and research, with
5 respect to the life and culture of African Ameri-
6 cans, the role of African Americans in the his-
7 tory of the United States, and the contributions
8 of African Americans to society;

9 (3) consistent with the general policy estab-
10 lished by the Board of Regents, have authority to—

11 (A) provide for restoration, preservation,
12 and maintenance of the collections of the Mu-
13 seum;

14 (B) solicit funds for the Museum and de-
15 termine the purposes to which those funds shall
16 be used;

17 (C) approve expenditures from the endow-
18 ment of the Museum, or of income generated
19 from the endowment, for any purpose of the
20 Museum; and

21 (D) consult with, advise, and support the
22 Director in the operation of the Museum;

23 (4) establish programs in cooperation with
24 other African American museums, historically black
25 colleges and universities, historical societies, edu-

1 cational institutions, cultural and other organiza-
2 tions for the education and promotion of under-
3 standing regarding African American life, art, his-
4 tory, and culture;

5 (5) support the efforts of other African Amer-
6 ican museums, historically black colleges and univer-
7 sities, cultural and other organizations to educate
8 and promote understanding regarding African Amer-
9 ican life, art, history, and culture, including—

10 (A) development of cooperative programs
11 and exhibitions;

12 (B) identification, management, and care
13 of collections;

14 (C) participation in the training of mu-
15 seum professionals; and

16 (D) creating opportunities for—

17 (i) research fellowships; and

18 (ii) professional and student intern-
19 ships;

20 (6) adopt bylaws to carry out the functions of
21 the Board of Trustees; and

22 (7) report annually to the Board of Regents on
23 the acquisition, disposition, and display of African
24 American objects and artifacts and on other matters
25 the Board of Trustees deems appropriate.

1 **SEC. 7. DIRECTOR AND STAFF.**

2 (a) IN GENERAL.—The Secretary of the Smithsonian
3 Institution, in consultation with the Board of Trustees,
4 shall appoint and fix the compensation and duties of a
5 Director, Assistant Director, Secretary, and Chief Curator
6 of the Museum and any other officers and employees nec-
7 essary for the operation of the Museum and the carrying
8 out of the duties of the Board. The Director, Assistant
9 Director, Secretary, and Chief Curator shall be qualified
10 through experience and training to perform the duties of
11 their offices.

12 (b) APPLICABILITY OF CERTAIN CIVIL SERVICE
13 LAWS.—The Secretary of the Smithsonian Institution
14 may—

15 (1) appoint the Director and 5 employees under
16 subsection (a), without regard to the provisions of
17 title 5, United States Code, governing appointments
18 in the competitive service; and

19 (2) fix the pay of the Director and such 5 em-
20 ployees, without regard to the provisions of chapter
21 51 and subchapter III of chapter 53 of such title,
22 relating to classification and General Schedule pay
23 rates.

24 **SEC. 8. DEFINITIONS.**

25 For purposes of this Act:

1 (1) The term “Board of Regents” means the
2 Board of Regents of the Smithsonian Institution.

3 (2) The term “Board of Trustees” means the
4 Board of Trustees of the National African American
5 Museum established in section 5(a).

6 (3) The term “Museum” means the National
7 African American Museum established under section
8 3(a).

9 (4) The term “Arts and Industries building”
10 means the building located on the Mall at 900 Jef-
11 ferson Drive, S.W. in Washington, the District of
12 Columbia.

13 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

14 There are authorized to be appropriated to carry out
15 this Act \$5,000,000 for fiscal year 1994 and such sums
16 as may be necessary for each of the succeeding fiscal
17 years.

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